



February 22, 2002

ENGROSSED SENATE BILL No. 360

DIGEST OF SB 360 (Updated February 20, 2002 1:16 PM - DI 106)

Citations Affected: IC 22-11; IC 34-51.

Synopsis: Civil actions concerning LP gas containers. Permits an individual to bring a civil action against a person who misuses a liquified petroleum (LP) gas container. Permits the prevailing party to recover damages, court costs and attorney's fees. Repeals provision mandating that 75% of a punitive damages award go to the state.

Effective: July 1, 2002.

Harrison, Lanane

(HOUSE SPONSORS — GOODIN, CHERRY, KUZMAN)

January 8, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

January 31, 2002, amended, reported favorably — Do Pass.

February 4, 2002, read second time, ordered engrossed. Engrossed.

February 5, 2002, read third time, passed. Yeas 47, nays 1.

HOUSE ACTION

February 11, 2002, read first time and referred to Committee on Judiciary.

February 21, 2002, amended, reported — Do Pass.

C
o
p
y

ES 360—LS 6924/DI 106+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 360

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-11-15-5.1 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 5.1. (a) A person injured as a**
4 **result of an act or practice that violates this chapter may bring a**
5 **civil action for:**
6 **(1) declaratory relief;**
7 **(2) injunctive relief; and**
8 **(3) damages;**
9 **against the person violating this chapter.**
10 **(b) An action brought under this section must be commenced**
11 **not later than two (2) years after the date of the alleged violation.**
12 **(c) A court may award costs and reasonable attorney's fees to**
13 **the prevailing party in an action brought under subsection (a).**
14 SECTION 2. IC 34-51-3-3 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3. A jury in a case**
16 **subject to this chapter may not be advised of**
17 **(+) the limitation on the amount of a punitive damage award**

ES 360—LS 6924/DI 106+



1 under section 4 of this chapter. ~~or~~
2 (2) the requirement under section 6 of this chapter concerning
3 allocation of money received in payment of a punitive damage
4 award.
5 SECTION 3. IC 34-51-3-6 IS REPEALED [EFFECTIVE JULY 1,
6 2002].

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 12, delete "A person threatened with injury from an act or practice that".

Page 1, delete lines 13 through 16.

Page 1, line 17, delete "(c)".

Page 1, run in lines 12 and 17.

Page 2, line 2, delete "(d)" and insert "(c)".

Page 2, line 2, delete ":".

Page 2, line 3, delete "(1)".

Page 2, run in lines 2 through 3.

Page 2, line 4, delete ";" and insert ".".

Page 2, delete lines 5 through 7.

and when so amended that said bill do pass.

(Reference is to SB 360 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 8, Nays 2.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, after "action" insert "**for**".

Page 1, line 6, delete "for".

Page 1, line 7, delete "for".

Page 1, line 7, delete "or" and insert "**and**".

Page 1, line 8, delete "to recover compensatory".

Page 1, line 9, delete "If a person is awarded".

Page 1, delete lines 10 through 11.

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 2. IC 34-51-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. A jury in a case subject to this chapter may not be advised of

(1) the limitation on the amount of a punitive damage award under section 4 of this chapter. ~~or~~

(2) ~~the requirement under section 6 of this chapter concerning allocation of money received in payment of a punitive damage award.~~

SECTION 3. IC 34-51-3-6 IS REPEALED [EFFECTIVE JULY 1, 2002]."

and when so amended that said bill do pass.

(Reference is to SB 360 as printed February 1, 2002.)

STURTZ, Chair

Committee Vote: yeas 8, nays 2.

C
o
p
y

